

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

WELLS FARGO INSURANCE SERVICES OF  
MINNESOTA, INC.,

Plaintiff,

v.

WAYNE H. MCDERMOTT, SHARON L.  
MCDERMOTT, and DIVERSIFIED  
BENEFITS GROUP, LLC,

Defendants.

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8:08CV505

ORDER

WAYNE H. McDERMOTT,

Plaintiff,

v.

WELLS FARGO INSURANCE SERVICES OF  
MINNESOTA, INC., KEITH BURKHARDT an

Defendants.

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8:09CV153

ORDER

IT IS ORDERED that, upon notification from the parties that a tentative settlement has been reached, the hearing scheduled for November 19, 2009, is canceled. Further, the defendants' Motion to Dismiss (Filing No. 9) in case 8:09CV153 is denied as moot, subject to reassertion if a settlement is not completed.

IT IS FURTHER ORDERED that the parties shall file a joint stipulation for dismissal (or other dispositive stipulation) with the clerk of the court which will fully dispose of the case and provide a copy to the undersigned judge **on or before January 18, 2010**. If the case is being dismissed, the stipulation shall comply with Fed. R. Civ. P. 41(a)(1)(ii) and shall state whether the dismissal is with or without prejudice. Absent compliance with this order, this case (including all counterclaims and the like) may be dismissed without further notice in accordance with NECivR 41.1.

DATED this 13<sup>th</sup> day of November, 2009.

BY THE COURT:

s/ Joseph F. Bataillon  
Chief United States District Judge